

NTSB Order No. EA-4671

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 8th day of June, 1998

Respondent .

Docket SE-14102

circumstances exist here. The cause of the delay was respondent's failure to provide the Board with a current address. In serving our decision, we sent it to the Post Office Box address respondent had earlier provided us. The Postal Service returned the mail to us, as respondent had a new address and forwarding time had expired. We then resent the decision to respondent's current address, as provided us by the Postal Service. Respondent was aware that his appeal remained pending before this Board. It was respondent's obligation, and clearly in his interest, to ensure that we had a correct address. While the omission may have been inadvertent, it is not the type of extraordinary circumstance that would warrant waiver of our strictly applied rule. Accord Administrator v. Robinson, NTSB Order No. EA-4482 (1996) (respondent obliged to know he had a new post office, and delay in receipt due to attempted pick-up at old post office not sufficient to accept late filing).

Even were we to consider respondent's petition, there would be no basis to revise our prior decision. Neither a respondent's "clean" flying record nor the effect of a suspension on his livelihood may mitigate sanction. See Administrator v. Mohamed, NTSB EA-2834 (1988) at p. 11, and cases cited there (consideration of the impact of the sanction on the individual is directly contrary to established precedent); and Administrator v. Williams, NTSB Order EA-3588 (1992) at 7, citing Administrator v. Thompson, 7 NTSB 714, 716 (1991) at n. 9 (neither violation-free record nor good attitude justifies reduction of sanction). Finally, respondent's concerns regarding Mr. Wyatt's declaration do not outweigh the other evidence in the record establishing the condition of the balloon's basket and would not warrant reconsideration.

ACCORDINGLY, IT IS ORDERED THAT:

1. Respondent's petition is dismissed as late-filed; and
2. The 180-day suspension of respondent's certificate shall begin 30 days from service of this order.³

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

(continued...)

appeals absent a showing of good cause for their lateness. "Extraordinary circumstances" is an even more stringent standard than good cause.

³ For the purpose of this order, respondent must physically surrender his certificate to a representative of the Federal Aviation Administration pursuant to 14 C.F.R. 61.19(f).